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18 Attorneys for Plaintiffs

19 ABBOTT LABORATORIES and  
20 ABBOTT DIABETES CARE, INC.

21 ABBOTT LABORATORIES and  
22 ABBOTT DIABETES CARE, INC.,  
23 Plaintiffs,  
vs.  
AGAMATRIX, INC.,  
Defendant.

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Attorneys for Defendant

AGAMATRIX, INC.

CASE NO. C 06 07268-JF

**STIPULATED REQUEST TO CONTINUE  
HEARING ON MOTION TO COMPEL  
XXXXXXXXXXXXXX ORDER]**

Crtrm: 5 (Hon. Patricia V. Trumbull)

1                   WHEREAS

2                   On August 24, 2010, counsel for Abbott and AgaMatrix came before the Court on  
3 Abbott's Motion to Compel Documents Required by Patent L.R. 3-4(a) and Documents  
4 Responsive to RFPs 11, 13, 14 and 15. At the hearing the Court directed AgaMatrix to produce  
5 additional documents responsive to these requests by September 17, 2010.<sup>1</sup> The Court also set a  
6 further hearing on Abbott's Motion to Compel for September 21, 2010 to address any issues that  
7 may remain regarding the Motion after the AgaMatrix production.

8                   On September 17, 2010, counsel for AgaMatrix sent a letter to Abbott's counsel  
9 stating they had substantially completed their production of documents responsive to RFPs 11,  
10 13, 14, 15, subject to certain issues set forth in the letter. The letter also identified certain  
11 documents or portions of documents as being redacted on the basis that they contained trade  
12 secrets and/or were not relevant to issues in this litigation. The letter was accompanied by a  
13 production of approximately 100,000 pages of materials, which arrived over the weekend of  
14 September 18.

15                   Therefore, to permit Abbott to make an initial review of the production, and to  
16 permit the parties time to discuss issues relating to the production, the parties request the further  
17 hearing on Abbott's Motion to Documents Required by Patent L.R. 3-4(a) and Documents  
18 Responsive to RFPs 11, 13, 14 and 15 be continued to September 28, 2010 at 10:00 am, or such  
19 other time as the Court sets.

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27                   <sup>1</sup> Abbott and AgaMatrix have a different understanding as to the scope of the Court's order, but  
28 neither party believes this need be decided for the purposes of this stipulation.

1  
2 DATED: September 20, 2010

MUNGER, TOLLES & OLSON, LLP  
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IAN MILLER  
CHANTAL MORGAN D'APUZZO

3  
4  
5 By: /s/ Ian Miller  
6 IAN J. MILLER

7 Attorneys for Plaintiffs  
8 ABBOTT LABORATORIES  
and ABBOTT DIABETES CARE INC.

9  
10 DATED: September 20, 2010

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ROLAND SCHWILLINSKI  
GAURI M. DHAVAN

11  
12 By: /s/ Roland Schwillinski  
13 ROLAND SCHWILLINSKI

14 Attorneys for Defendant  
15 AGAMATRIX, INC.

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8                   UNITED STATES DISTRICT COURT  
9                   NORTHERN DISTRICT OF CALIFORNIA  
10                  SAN JOSE DIVISION

11 ABBOTT DIABETES CARE INC.  
12 AND ABBOTT LABORATORIES,  
13                  Plaintiffs,  
14                  vs.  
15 AGAMATRIX, INC.,  
16                  Defendant.

CASE NO. C 06-07268-JF

XXXXXXXXXX] ORDER GRANTING  
STIPULATED REQUEST TO  
CONTINUE HEARING ON MOTION  
TO COMPEL

17                  Good cause appearing, the Court continues the Further Hearing on Abbott's  
18 Motion to Compel Documents Required by Patent L.R. 3-4(a) and Documents Responsive to  
19 RFPs 11, 13, 14 and 15 to September 28, 2010 at 10:00 AM.

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21                  IT IS SO ORDERED.

22  
23 Dated: September \_20 \_\_, 2010

  
Honorable Patricia Trumbull

United States Magistrate Judge

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11725711.1  
11728407.2

[PROPOSED] ORDER GRANTING STIP. REQ TO  
CONTINUE HEARING ON MOTION TO  
COMPEL